

REMARKS

Reconsideration of the present application and entry of the amendment are respectfully requested. Claims 1 to 37 are currently pending, claims 12, 18, 27 and 34 have been canceled, and claims 5, 15, 25 and 33 have been amended.

The Office Action mailed November 4, 2002 addressed Claims 1 to 37. Claims 1, 2, 4 to 7, 9 to 11, 13 to 17, 19 to 22, 25, 26, 28, 29 and 32 to 37 were rejected, claims 8, 12, 18, 24, 27, 30 and 31 were objected to, and claims 3 and 23 were allowed.

Claims 8, 12, 18, 24, 27, 30 and 31 were objected to by the Examiner. Since most of the claims are dependent claims, Applicants assume that the claims are objected to as dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Claim 5 was amended to incorporate the limitation of claim 12, which was objected to by the Examiner, and claim 12 has been canceled. Claim 15 was amended to incorporate the limitation of claim 18, which was objected to by the Examiner, and claim 18 has been canceled. Claim 25 was amended to incorporate the limitation of claim 27, which was objected to by the Examiner, and claim 27 has been canceled. Applicants respectfully submit that claims 5, 15 and 25, and claims 6 to 11, 13, 14, 16, 17, 19 to 22, and 28 to 30, which depend from claims 5, 15 and 25, are allowable. Claims 8 and 30 were also objected to, but since the base claim upon which they depend has been amended to incorporate another allowable limitation, claims 8 and 30 have not been amended. Applicants respectfully submit that claims 8 and 30 are also allowable. Applicants respectfully request that the Examiner withdraw the objection to claims 8, 12, 18, 27 and 30.

Claim 24 was objected to by the Examiner. Applicants respectfully submit that claim 24 should not be objected to because claim 24 depends from claim 23, which the Examiner indicated was allowed. Applicants respectfully request that the Examiner withdraw the objection to claim 24.

Claim 31 was objected to by the Examiner. Applicants respectfully submit that claim 31 is an independent claim, and therefore, claim 31 should be allowed since it

09/829,708

4

P-5686U1-C1

was not rejected in the Office Action. Applicants respectfully request that the Examiner withdraw the objection to claim 31.

Claim 15 was rejected under 35 U.S.C. 102(b) as being anticipated by Yabuki et al. (US 5,482,285). The Examiner stated that Yabuki et al. discloses a golf ball having an inner and outer core with a cover in which the outer core contains a thermoplastic.

Applicants respectfully disagree with the Examiner. Yabuki et al. discloses a golf ball having an inner and outer core and a cover, the inner core is formed from a vulcanized rubber (polybutadiene), and the outer core is formed from materials such as vulcanized rubber or resins such as ionomers, polyethylene, and polystrene, preferably vulcanized rubber. Yabuki et al. does not disclose a golf ball having an inner core made from a thermoplastic material. Instead, as stated by the Examiner, the outer core may contain a thermoplastic material, but the inner core contains a polybutadiene (thermoset material).

Since, as discussed above, Yabuki et al. fails to teach each and every element of Applicants' claims, Applicants respectfully submit that Yabuki et al. does not anticipate Applicants' claims. Applicants respectfully submit that claim 15 is not anticipated by Yabuki et al. and request that the rejection of claim 15 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Claims 25 and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. (US 5,184,828). The Examiner stated that Kim et al. discloses a solid golf ball having an inner and outer core with a cover formed of polyurethane.

Applicants respectfully submit that claim 25, as amended, is not anticipated by Kim et al. because claim 25 requires a multi-layer cover. As previously discussed, claim 25 was amended to incorporate the limitation of claim 27, which was objected to by the Examiner, but was indicated as allowable if rewritten in independent form. Claim 26 has been canceled by this amendment. Therefore, Applicants respectfully submit that claims 25 and 26 are not anticipated by Kim et al. and request that the rejection of claims 25 and 26 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

09/829,708

5

P-5686U1-C1

Claim 34 was rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (US 5,120,791). The Examiner stated that Sullivan discloses a golf ball having a cover made of ionomer, which Sullivan admits is a thermoplastic elastomer, and Sullivan also notes that the core may be two or more layers.

Claim 34 has been canceled by this amendment. Applicants therefore respectfully request that the rejection of claim 34 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Claim 33 was rejected under 35 U.S.C. 102(b) as being anticipated by Higuchi et al. (US 5,702,311). The Examiner stated that Higuchi et al. discloses a golf ball having a multi-layer core, including an innermost core and at least one intermediate layer, surrounded by a cover.

Higuchi et al. discloses a golf ball having a multi-layer core, and a single layer cover. Higuchi et al. does not disclose a golf ball having a multi-layer core and a multi-layer cover. Applicants' claim 33, as amended, includes a multi-layer cover. Since Higuchi et al. does not teach each and every element of Applicants' claim, Applicants respectfully submit that claim 33 is not anticipated by Higuchi et al. and request that the rejection of claim 33 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Claims 28 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US 5,184,828) in view of OFFICIAL NOTICE. The Examiner stated that Kim et al. does not disclose the cover made of thermosetting or thermoplastic polyurethane, but OFFICIAL NOTICE is taken that thermoplastic and thermosetting polyurethane have similar properties such as toughness, abrasion resistance, and impact resistance. The Examiner concluded that one would have found it obvious to have a cover made of either thermoplastic or thermosetting polyurethane in order to impart toughness, abrasion resistance and impact resistance to the golf ball.

Claims 28 and 29 depend from claim 25. As discussed above, claim 25 was amended to incorporate the limitation of claim 27, which was objected to by the Examiner, therefore, Applicants respectfully submit that claim 25 is allowable. Since claim 25 is allowable, claims 28 and 29 are also allowable.

09/829,708

6

P-5686U1-C1

For at least these reasons, Applicants respectfully submit that claims 28 and 29 are not obvious under 35 U.S.C. § 103(a) over Kim et al. in view of OFFICIAL NOTICE. Applicants therefore respectfully request that the rejection of claims 28 and 29 under 35 U.S.C. § 103(a) as obvious over Kim et al. in view of OFFICIAL NOTICE be reconsidered and withdrawn.

Claims 1, 5, 7, 9 to 11, 13 to 17, 19, 21, 22, 32 and 35 to 37 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10 to 28 of U.S. Patent No. 6,425,833 in view of OFFICIAL NOTICE. The Examiner stated that US 6,425,833 discloses the same subject matter except for having an inner cover layer higher or lower than the outer cover at a particular hardness and having a center component with a density reducing or increasing agent. The Examiner further stated that OFFICIAL NOTICE is taken that a high density inner core and lighter outer core gives the ball a low moment of inertia and that having a higher outer core and lighter inner core give the ball high moment of inertia. The Examiner concluded that it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a density reducing or increasing agent to either the center component or the core layer in order to optimize the moment of inertia of the golf ball, and OFFICIAL NOTICE is also taken that it is known within the art to use polybutadiene in any core layer to impart resilience to the golf ball, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the center component made of polybutadiene in order to impart resilience to the golf ball.

Regarding the OFFICIAL NOTICE, Applicants respectfully traverse the statement that a high density inner core and lighter outer core gives the ball a low moment of inertia and that having a higher outer core and lighter inner core give the ball high moment of inertia, and request evidence to prove this. Many other factors also influence the moment of inertia of the golf ball, such as the specific gravity of the layers, the diameters, the cover materials, and the like. Applicants respectfully submit that the Examiner is making a very generalized assertion that is not necessarily true in all cases.

09/829,708

7

P-5686U1-C1

Although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants herein submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicants respectfully submit that this overcomes the rejection.

Attached hereto is a marked-up version of the changes made to the application by this Amendment. The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 1 to 37. Applicants respectfully request allowance of claims 1 to 11, 13 to 17, 19 to 25, 28 to 33 and 35 to 37, the claims currently pending.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES
IN THE CLAIMS

Claims 12, 18, 26, 27 and 34 have been canceled without prejudice or disclaimer.

Claims 5, 15, 25 and 33 have been amended as follows:

5. (AMENDED) A golf ball comprising:

a dual core including a center component and a core layer disposed about said center component, said center component comprising a thermoset material and said core layer comprising a thermoplastic material, wherein said center component of said dual core has an outer diameter of from about 0.500 inches to about 1.250 inches, and said dual core has an outer diameter of from about 1.25 to about 1.600 inches; and

a cover layer assembly disposed about said dual core.

15. (AMENDED) A golf ball comprising:

a dual core having a center component and a core layer disposed about said center component wherein both said center component and said core layer comprise a thermoplastic material, and wherein said core layer comprises more than one layer; and
a cover layer about said dual core.

25. (AMENDED) A golf ball comprising:

a dual core assembly, said dual core including a center core component and a core layer disposed about said center core component; and
a cover layer disposed about said dual core assembly, said cover layer comprising a polyurethane material, and wherein said cover layer is a multi-layer cover assembly.

33. (AMENDED) A golf ball comprising:

a multi-layer core assembly including (i) a center core component, (ii) a first core layer disposed on said core component, and (iii) a second core layer disposed on said first core layer; and
a cover layer disposed on said multi-layer core assembly, wherein said cover layer is a multi-layer cover assembly.